



**PARTIES**

4. The Plaintiff, Lorraine Corbin (“Plaintiff”), is an adult individual residing in Lexington, South Carolina, and is a “consumer” as the term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Commercial Recovery Systems, Inc. (“CRS”), is a Texas business entity with an address of 8035 R.L. Thornton Freeway, Suite 220, Dallas, Texas 75228, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).

6. Does 1-10 (the “Collectors”) are individual collectors employed by CRS and whose identities are currently unknown to the Plaintiff. One or more of the Collectors may be joined as parties once their identities are disclosed through discovery.

7. CRS at all times acted by and through one or more of the Collectors.

**ALLEGATIONS APPLICABLE TO ALL COUNTS**

**A. The Debt**

8. The Plaintiff allegedly incurred a financial obligation in the approximate amount of \$300.00 (the “Debt”) to Washington Mutual (the “Creditor”).

9. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

10. The Debt was purchased, assigned or transferred to CRS for collection, or CRS was employed by the Creditor to collect the Debt.

11. The Defendants attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

**B. Commercial Engages in Harassment and Abusive Tactics**

12. Within the last year, Defendants placed numerous calls to Plaintiff's in-laws and stated that Plaintiff owed a Debt and disclosed information regarding the nature of the Debt.

13. Furthermore, in these conversations, Defendants threatened to garnish the wages of Plaintiff's in-laws and threatened to place a lien on their property.

14. On at least one occasion, Plaintiff called Defendants and requested that they cease the calls to Plaintiff's in-laws regarding the Debt.

15. Despite Plaintiff's request, Defendants continued to place calls to Plaintiff's in-laws and continued to disclose information regarding the nature of the Debt.

16. Defendants also placed two calls to Plaintiff's cellular phone.

17. In messages left on Plaintiff's cell phone, Defendants threatened to garnish Plaintiff's wages. Defendant had no present ability to affect an immediate garnishment without first providing Plaintiff with the proper notices as required by law.

18. In these messages, Defendants also threatened to proceed "further with litigation," insinuating that legal action had been or would be taken imminently. No such legal action has been taken to date.

19. Defendants also condescendingly stated that they knew Plaintiff was having "money problems."

20. In calls placed to Plaintiff, Defendants failed to identify the name of its company and failed to state that they were calling in an attempt to collect a debt.

21. Furthermore, Defendants failed to send Plaintiff written validation of the Debt.

**C. Plaintiff Suffered Actual Damages**

22. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendants' unlawful conduct.

23. As a direct consequence of the Defendants' acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT –**  
**15 U.S.C. § 1692, et seq.**

24. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

25. The Defendants contacted third parties and failed to identify themselves and further failed to confirm or correct location information, in violation of 15 U.S.C. § 1692b(1) and/or 1692c(b).

26. The Defendants informed third parties of the nature of Plaintiff's debt and stated that the Plaintiff owed a debt, in violation of 15 U.S.C. § 1692b(2).

27. The Defendants' conduct violated 15 U.S.C. § 1692d in that Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

28. The Defendants' conduct violated 15 U.S.C. § 1692d(6) in that Defendants placed calls to the Plaintiff without disclosing the identity of the debt collection agency.

29. The Defendants' conduct violated 15 U.S.C. § 1692e in that Defendants used false, deceptive, or misleading representation or means in connection with the collection of a debt.

30. The Defendants' conduct violated 15 U.S.C. § 1692e(4) in that Defendants threatened the Plaintiff with garnishment if the debt was not paid.

31. The Defendants' conduct violated 15 U.S.C. § 1692e(5) in that Defendants threatened to take action that could not legally be taken or that was not intended to be taken.

32. The Defendants' conduct violated 15 U.S.C. § 1692e(10) in that Defendants employed false and deceptive means to collect a debt.

33. The Defendants' conduct violated 15 U.S.C. § 1692e(11) in that Defendants failed to inform the consumer that the communication was an attempt to collect a debt.

34. The Defendants' conduct violated 15 U.S.C. § 1692f in that Defendants used unfair and unconscionable means to collect a debt.

35. The Defendants' conduct violated 15 U.S.C. § 1692g(a) in that Defendants failed to send Plaintiff an initial letter within five days of its initial contact with Plaintiff as required by law.

36. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

37. The Plaintiff is entitled to damages as a result of Defendants' violations.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff prays that judgment be entered against the Defendants:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendants;
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against the Defendants;
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);

4. Actual damages from the Defendants for all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent FDCPA violations;
5. Punitive damages; and
6. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: October 15, 2012

Respectfully submitted,

By /s/ Brian J. Headley

Brian J. Headley, Attorney at Law  
District of South Carolina Bar ID No. 11427  
145 Historic Drive  
Mount Pleasant, SC 29464  
Telephone: (855) 301-2100 Ext. 5532  
Facsimile: (888) 953-6237  
bjheadley@yahoo.com  
bheadley@leberglaw.com

Of Counsel To  
Sergei Lemberg  
LEMBERG & ASSOCIATES L.L.C.  
A Connecticut Law Firm  
1100 Summer Street, 3<sup>rd</sup> Floor  
Stamford, CT 06905  
Telephone: (203) 653-2250  
Facsimile: (888) 953-6237